

# TWENTY-SEVENTH DAY

(Monday, February 27, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Head     | Stone         |
| Hill     | of Galveston  |
| Isbell   | Stone         |
| Kelley   | of Washington |
| Lanning  | Sulak         |
| Lemens   | Van Zandt     |
| Martin   | Weinert       |
| Metcalf  | Winfield      |
| Moffett  |               |

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 23, 1939, was dispensed with and the Journal was approved.

## Reports of Standing Committees

Senator Weinert submitted the following report of the Committee on State Affairs:

Austin, Texas,  
February 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 14, Relative to the employment of both man and wife of the same family in State departments,

Have had the same under consideration, and I am instructed to report it back to the Senate with Committee Amendment No. 1, with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
February 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

S. B. No. 8, A bill to be entitled "An Act amending Article 1676, Chapter 2, Title 34, Revised Civil Statutes of Texas, 1925, by adding thereto a new article to be known as Article 1676b; defining certain words, terms, and phrases for the purposes of this Act, including 'political subdivisions;' providing that the governing body of any political subdivision of this State shall prepare or cause to be prepared semiannually a report of all transactions during each half of each year, concerning the finances of such political subdivision; providing that the governing body of each political subdivision shall examine, correct, and approve such reports and shall cause such reports to be published in a newspaper; providing the time and manner in which such reports shall be prepared, examined, corrected, approved, and published, and the subject matter of such reports; providing the manner in which newspapers shall be compensated for publishing such reports; outlining duty of officers, officials, and employees in preparation of such reports; repealing all laws in conflict herewith; providing that if any portion of this law shall be held unconstitutional that the remainder of the law shall remain in full force and effect; providing penalties for the violation or failure of any official, officer, or employee to comply with the provisions of this Act; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WEINERT, Chairman.

Austin, Texas,  
February 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 89, A bill to be entitled "An Act granting aid to San Jacinto, Trinity, Houston, Angelina, Sabine,

San Augustine, Jasper, Tyler, Walker and Shelby Counties, Texas, made necessary by reason of the fact that the Federal Government has purchased in said counties practically fifty per cent (50%) of the land in said counties, thereby taking off the tax rolls so much valuation that said counties cannot operate a county government, and has caused great destruction to the roads and other improvements in said counties, remitting, releasing, granting, and donating to said counties all State ad valorem taxes levied or to be levied on property in said counties including the rolling stock of railroads for the years 1939-1940, both inclusive; providing that all grants, remissions, and donations shall apply to taxes collected for State General Revenue purposes only; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
February 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 224, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five years beginning with the taxable year 1939 all the State ad valorem taxes, not heretofore donated or appropriated to any county, district, city or other political subdivision, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes on rolling stock belonging to railroad companies, for the use of each respective county for the purposes of constructing improvements to prevent soil erosion, flood control, irrigation and drainage projects, reforestation and road building and further providing that said taxes shall be levied, assessed and collected in the manner now provided by law and that the assessor and collector in each county shall forward his report to the Com-

troller covering said collections and shall pay over to the County Treasurer of each respective county all moneys collected by him at the end of each month, except such amounts as may be allowed by the law for collecting and assessing said taxes; requiring said assessor and collector to forward a duplicate copy of the receipt given him by county treasurer for said moneys to the State Comptroller and defining the purposes and intention of this Act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senator Head, by unanimous consent, submitted at this time the following report of the Committee on Interstate Cooperation:

Austin, Texas,  
February 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Interstate Cooperation, to whom was referred

S. B. No. 41, A bill to be entitled "An Act to facilitate the cooperation of this State with other units of government, determining the membership of the Board, and establishing the Texas Commission on Interstate Cooperation; describing the functions and operations of said Commission; providing for the establishment of delegations and committees; providing for reports, and declaring an emergency,"

Have had the same under consideration and wish to report it back to the Senate with the recommendation that it do pass with committee amendment and be printed as amended.

HEAD, Chairman.

#### Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Isbell:

S. B. No. 243, A bill to be entitled "An Act authorizing and empowering any city to issue its negotiable bonds, payable from revenues other

than taxation, for the purchase, construction, repair, improvement, extension or enlargement of its water system, sanitary sewer system, natural gas system, or electric light and power system, the purchase of additional water powers, lands for reservoirs, sewage disposal plants and other water or sewer purposes, and riparian rights, and the purchase and improvement of parks and/or swimming pools, or either one or all of said purposes; providing that such bonds shall be solely a charge upon the revenues and properties pledged to secure their payment; providing that such bonds shall not be issued unless the proposition is first submitted to and authorized by a majority of, the qualified voters who own taxable property in such city and who have duly rendered the same for taxation, voting at an election held for that purpose; providing that the method of ordering and holding such election shall be governed by the laws regulating elections for the issuance of city bonds; providing that said bonds shall be redeemed or paid by an appropriation or pledge of the net revenues derived from the operation of either one or any or all of said utility systems, and may be additionally secured by mortgage on any or all of the properties comprising any such system; defining the words "net revenues" and defining the words "reasonable expense of operating and maintaining such system, service, or enterprise"; providing that said bonds shall mature not later than forty years from their date and shall bear interest not to exceed six percentum per annum; providing that said bonds shall be signed by the mayor and countersigned by the city secretary, and shall be approved by the Attorney General and registered by the State Comptroller, as in the case of municipal bonds; providing that the holder of such obligations shall never have the right to demand payment thereof out of any funds raised or to be raised by taxation; providing that within the discretion of the governing body payment of said bonds may be additionally secured by an indenture, mortgage or deed of trust, given by the city to a bank or banking institution in this State, with trust powers, whereby the city may mortgage and pledge all or any part of the lands and other properties comprising any such system, and all net revenues to

be derived from the operation thereof; etc., and declaring an emergency."

Referred to Committee on Towns and City Corporations.

By Senator Hardin:

S. B. No. 244, A bill to be entitled "An Act requiring any person, firm or corporation advertising goods, wares, merchandise over radio, in newspaper or through any other medium of advertising in which a prize is given away in contest to publish in newspaper in each county where contest is carried on a description of prize, its value and rules of contest. At close of contest to publish names and addresses of winners and kinds of prizes each winner receives; and provides penalty for its violation, including a savings clause, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Hardin:

S. B. No. 245, A bill to be entitled "An Act to amend Chapter 6 of the Penal Code of the State of Texas by adding another section to be known as Article 654-a, making it unlawful for any person to operate a lottery known as "Policy," of any lottery operating on similar principle; providing that the purchaser of any ticket participating in said lottery shall not be held to be an accomplice or witness in any trial; placing the venue for prosecution of violations in the District Court of Travis County, Texas, and providing that the Grand Jury of said County may summon and examine witnesses and return indictments into the District Court of Travis County; making it the duty of the Department of Public Safety to make investigations of violations of this Act and submit proof; prescribing penalties; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Hardin:

S. B. No. 246, A bill to be entitled "An Act requiring any credit reporting agency supplying information relating to the credit, character, responsibility and reputation of any person, firm or corporation and to send a copy of such report signed by said credit reporting agency to the person, firm or corporation being

reported; and provides penalty for its violation, including a saving clause, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Kelley:

S. B. No. 247, A bill to be entitled "An Act providing that in any Water Control and Improvement District, now existing or hereafter created, having within its boundaries more than one hundred thousand acres of land, and whose boundaries embrace lands within two or more counties, directors may either be elected at elections held in such districts at large as provided by Section 37, Chapter 25 of the Acts of the Thirty-ninth Legislature, Regular Session, 1925, as amended by Section 6, Chapter 107, of the Acts of First Called Session of the Fortieth Legislature, 1927; or by the precinct method; prescribing the procedure for adopting such precinct method of electing directors by districts of such classification hereafter created, and by such districts existing at the time this Act takes effect; limiting the terms of office of directors of any such district adopting such precinct method in office at the time of such adoption; prescribing the qualifications of directors elected by the precinct method; prescribing the manner of determining the terms of office of the first directors elected by the precinct method, and prescribing the terms of office of directors elected at the second and succeeding precinct elections; providing that the board of directors of any such district adopting such precinct method may from time to time change the boundaries of such precincts, but not more frequently than every four years; prescribing the manner of filling vacancies in the offices of directors elected by the precinct method; providing that all laws relating to the election and qualification of directors of Water Control and Improvement Districts shall govern and control the election and qualification of directors elected by the precinct method, except as in this Act otherwise provided; and declaring an emergency."

Referred to Committee on Mining, Irrigation and Drainage.

By Senator Kelley:

S. B. No. 248, A bill to be entitled "An Act providing that all bonds which have been heretofore issued

and sold in counties with a population of not less than eight thousand one hundred seventy-eight (8,178) and not more than eight thousand two hundred seventy-eight (8,278) people, according to the last preceding Federal Census, where the proceeds of the sale of bonds has been expended, in whole or in part, upon highways which have, before the issuance and sale of said bonds, been temporarily or permanently designated as a part of the State Highway System, shall be entitled to participate in the State Highway Fund, under the provisions and restrictions of Chapter 136, Acts of the Forty-third Legislature of Texas, 1933, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Senator Kelley:

S. B. No. 249, A bill to be entitled "An Act to confirm and validate all patents heretofore issued by the State of Texas in confirmation of Spanish or Mexican Land Grants or Titles issued by the Spanish or Mexican government prior to the Texas Revolution of 1836, which Grants or Titles have been recognized as valid by the Republic of Texas or by the State of Texas subsequent to 1836, and all patents heretofore issued by the State of Texas pursuant to any Act relinquishing the title or interest of the State of Texas in any such Spanish or Mexican Land Grants or Titles, and which patents have been issued and outstanding for a period of ten (10) years prior to the effective date of this Act, and relinquishing, quitclaiming, and granting to the patentees, their heirs and assigns, all of the lands included within the boundaries described in such patents; and declaring an emergency."

Referred to Committee on Public Lands and Land Office.

By Senator Kelley:

S. B. No. 250, A bill to be entitled "An Act to authorize any County, one or more of the boundaries of which is coincident with any part of the International Boundary between the United States and Mexico, or any county contiguous to any county of such described class, which may have entered into an agreement with the United States to acquire and upon request convey to the United States land or interest in land

desired by the United States in aid of navigation, irrigation, flood control or improvement of water courses, and in order to accomplish the purposes specified in Article 5242 of the 1925 Revised Statutes of Texas, upon request of the United States, to secure by gift, purchase or by condemnation, said land or interest therein, for ultimate conveyance to the United States and to pay for the same out of any special flood control fund or any available county funds; providing for the method of procedure in condemnation cases; providing that title shall vest in the County upon the filing of a declaration of taking by the County and the deposit of the amount of the award with the County Clerk, together with costs, if any, and the right to just compensation shall vest in the persons entitled thereto; and provided further, that no appeal nor service of process by publication shall have the effect of suspending the vesting of title in said County; and declaring an emergency."

Referred to Committee on Mining, Irrigation and Drainage.

By Senator Kelley:

S. B. No. 251, A bill to be entitled "An Act making it unlawful and a felony to make, issue, execute, give, sign, deliver, pass, or circulate a worthless check; defining the term "worthless check"; providing a penalty for violation; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Kelley:

S. B. No. 252, A bill to be entitled "An Act creating a special road law for Zapata County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 1, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating

to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Brownlee:

S. B. No. 253, A bill to be entitled "An Act amending Sections 1, 2, 3, 4 and 9 of Article 46a of the Revised Civil Statutes of Texas, 1925, Acts, 1931, Chapter 177, S. B. No. 383, 42nd Legislature, and Section 6 of said Article 46a as amended by H. B. No. 1016, Chapter 490, Acts of the 45th Legislature, by changing residence requirements of petitioner; redefining venue; prescribing duties of the Division of Child Welfare, State Board of Control, or its designated agent or representative, in respect to investigation for the Courts in adoption proceedings; providing generally for uniform minimum standards of investigation and reporting for all courts; specifying method of waiving six months residence of child in home of petitioner; providing for minimum and maximum time for investigation and report; requiring Court approval of the consent for adoption where it has transferred care, custody or guardianship of a child; making all evidences of consent to adoption part of the records of the Court; providing for change of name; and adding a new Section to be called Section 13, providing for the Division of Child Welfare to perform the functions herein designated until such time as the Division of Public Welfare, now prescribed for by law, is organized; declaring an emergency."

Referred to Committee on State Affairs.

By Senators Van Zandt and Aikin:

S. B. No. 254, A bill to be entitled "An Act appropriating the sum of Eight Hundred Eighty Thousand, Three Hundred Thirty-two (\$880,332.00) Dollars per year, or so much thereof as may be necessary for the next biennium beginning September 1, 1939 and ending August 31, 1941, from the General Revenue Fund for the purpose of promoting public school interests and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, general rehabilitation and rehabilitation for crippled children according to the Federal laws

governing vocational education, all of which shall be matched by Federal funds; providing for the administration, attaching conditions, regulations and limitations relative thereto, making various allocations of said appropriation; authorizing aid to such schools in accordance with the conditions specified herein; providing for certain regulations concerning qualification of teachers; providing all costs of administering funds named in this Act shall be paid out of moneys appropriated in this Act under authority of the State Superintendent of Public Instruction under the direction of the State Board of Education; defining the powers of the State Board of Education and the State Superintendent; declaring the rule in event any provision of this Act is unconstitutional or invalid, repealing all laws or parts of laws in conflict herewith and declaring an emergency."

Referred to Committee on Finance.

By Senator Sulak:

S. B. No. 255, A bill to be entitled "An Act to amend an act of the Thirty-fourth Legislature, entitled an Act to create a more efficient road system for Lavaca County, Texas, being Chapter 75, Local and Special Laws, Regular Session, 1915, as amended by an Act of the Forty-first Legislature, being Chapter 24, Local and Special Laws, Fourth Called Session, 1930, by adding thereto Section 19, authorizing the Commissioners' Court to issue funding or refunding bonds in lieu of outstanding scrip warrants against the road and bridge fund as of December 31st, 1938, providing the method of issuing such bonds, making it the duty of the Commissioners' Court to levy a tax sufficient to pay the principal and interest on such bonds as they mature and accrue, and providing for the validation of such scrip warrants; and by adding thereto Section 20, authorizing the Commissioners' Court to levy a tax not exceeding Fifteen Cents on the one hundred dollars valuation for the further maintenance of the public roads in any political subdivision, Commissioners' precinct or defined district heretofore or hereinafter created of the county, upon presentation of a petition, and the holding of an election for such purpose, enacting provisions, powers, and duties relating to the subject;

making the General Laws pertaining to roads and bridges applicable in Lavaca County; providing that the provisions of this Act shall be effective in case of conflict with any General or Special Law; providing that if any portion of this Act shall be held invalid, such holding shall not affect the other portion hereof; repealing all laws in conflict; and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Martin:

S. B. No. 256, A bill to be entitled "An Act authorizing towns and villages, heretofore incorporated under Chapter 12 of Title 28, Revised Civil Statutes of Texas, 1925, and amendments thereto, having an assessed valuation for taxable purposes of \$500,000.00 or more, according to its latest approved tax rolls, notwithstanding any limitation contained in Article 1163 of the Revised Civil Statutes of Texas, 1925, and amendments thereto, to adopt the powers of cities and towns in the manner prescribed by Article 961 of the Revised Civil Statutes of Texas, 1925, and amendments thereto, notwithstanding any limitation contained in said Article as to minimum population or as to the inclusion of manufacturing establishments, providing that such municipalities shall thereafter have all of the rights, powers, privileges, immunities and franchises of cities and towns conferred by the laws contained in Title 28 of the Revised Civil Statutes of Texas, 1925, and amendments thereto, making this Act cumulative of all other laws, providing that in the event of a conflict, the provisions of this Act shall prevail, and declaring an emergency."

Referred to Committee on Internal Improvements.

By Senator Spears:

S. B. No. 257, A bill to be entitled "An Act to provide for the safety of employes and the traveling public upon the railroads of Texas by compelling carriers by railroads to man locomotives, trains, and self-propelled engines and/or machines with specified number of competent employes; to provide the least number of men that may be employed on locomotives, trains, and self-propelled engines and/or machines; to provide qualifications of certain employes and

to provide a penalty for each violation; repealing all laws or parts of laws in conflict herewith, and making this Act severable and declaring an emergency."

Referred to Committee on Labor.

By Senator Spears:

S. B. No. 258, A bill to be entitled "An Act amending Article 307, Revised Civil Statutes of Texas, 1925, as amended by H. B. No. 201 of the Regular Session of the Forty-fourth Legislature, page 438, Chapter 176 (1935), exempting graduates of certain law schools from the Bar Examinations, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Lemens:

S. B. No. 259, A bill to be entitled "An Act to amend Article 5924, Chapter 1 of the Revised Civil Statutes of Texas, 1925, relating to assumed name; requiring the making and filing with the Banking Commissioner of Texas of annual financial statements by certain persons affected thereby; providing penalties; appropriating filing fees, repealing all laws and parts of laws in conflict."

Referred to Committee on Banks and Banking.

By Senator Stone of Washington:

S. B. No. 260, A bill to be entitled "An Act to amend Chapter 83, S. B. No. 179, of the General Laws passed by the Forty-first Legislature of the State of Texas at its Second Called Session, as amended by H. B. No. 291, Chapter 244, of the General Laws, passed by the Forty-fifth Legislature of Texas at its Regular Session by providing in Section 4 of said Act that credit for three (3) hours of military science as provided in an approved senior R.O.T.C. unit may be substituted for three hours of government as specified in the Act, and declaring an emergency."

Referred to Committee on Education.

By Senator Nelson:

S. B. No. 261, A bill to be entitled "An Act making it unlawful to kill quail in Gaines, Terry and Yoakum Counties, Texas; providing the Act shall be in force for a period of five (5) years; repealing all laws in con-

flict; providing a penalty for the violation of this Act, and declaring an emergency."

Referred to Committee on Game and Fish.

By Senator Moore:

S. B. No. 262, A bill to be entitled "An Act amending Article 5949, Revised Civil Statutes of 1925, as amended by Chapter 9, Acts of the Regular Session, Fortieth Legislature, so as to provide for appointment of notaries public by the Secretary of State of Texas; prescribing their qualifications and terms of office; providing that this Act shall not affect the terms of those persons who have qualified as notaries public prior to the effective date hereof; providing an effective date for this Act; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Small:

S. B. No. 263, A bill to be entitled "An Act to create a more efficient road law for Randall County, Texas, validating an order heretofore passed by the Commissioners' Court of Randall County authorizing the issuance of certain road and bridge funding bonds, the indebtedness refunded thereby, declaring said bonds when issued, approved by the Attorney General and registered by the Comptroller as the binding obligation of said County, excepting from the validating provision of this Act any indebtedness in litigation, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Senator Martin:

S. B. No. 264, A bill to be entitled "An Act granting permission to Mount Olivet Cemetery Company, a private corporation chartered under the laws of this State, and to bring and prosecute suit against the State of Texas and the State Highway Commission of Texas in any court of competent jurisdiction in Tarrant County, Texas, to ascertain the amount, if any, due the Mount Olivet Cemetery Company for damages alleged to have been sustained by reason of the construction and maintenance of the State Highway and the overpass on said State Highway which runs in a general easterly and westerly direction on the north side

of the cemetery belonging to and operated by the Mount Olivet Cemetery Company in Tarrant County, Texas, said Highway being known as State Highway No. 15, and for the breach or violation of any contract or agreement between said corporation or its agents and the State of Texas or State Highway Commission, or their agents, acting alone or in conjunction with the agents of Tarrant County, Texas; that said suit shall be tried according to the rules of law and equity and procedure as would be applicable if the suit were one by and between citizens of the State of Texas or by and between private corporations; providing for a right of appeal by either party and for the joinder of other proper or necessary parties; providing for the service of citation on the State and the Highway Commission, and how the judgment, if any, recovered, shall be paid, and providing the time in which such suit may be brought, and providing that the State of Texas and the State Highway Commission may plead any defense available to it, except the Statute of Limitation, and declaring an emergency."

Referred to Committee on State Affairs.

Pending reading and reference of the foregoing bills, President Pro Tempore Moore occupied the Chair temporarily.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. B. No. 556, A bill to be entitled "An Act to amend Article 7064, Revised Civil Statutes of Texas, 1925, as amended by Section 1 of Chapter 258, House Bill No. 441, of the Acts of the Forty-fifth Legislature of Texas, 1937, and declaring an emergency."

H. B. No. 557, A bill to be entitled "An Act to amend Article 7064a, Revised Civil Statutes of Texas, 1925,

as amended by Section 1-b, Chapter 258, House Bill No. 441, of the Acts of the Forty-fifth Legislature of Texas, 1937, and declaring an emergency."

H. B. No. 92, A bill to be entitled "An Act amending Article 2618 of the Revised Civil Statutes of 1925, changing the status of John Tarleton Agricultural College from a Junior College to a standard four-year college, and providing for a course of study for said College; and amending Article 2620 of the Revised Civil Statutes of 1925, changing the name of North Texas Junior Agricultural, Mechanical and Industrial College at Arlington to the name of North Texas Agricultural College, and placing said school under the Board of Directors of the Agricultural and Mechanical College of Texas; and amending Article 2621 of the Revised Civil Statutes of 1925, changing the status of said junior college to a standard four-year college, and providing for a course of study for the same; and expressly repealing Articles 2622 and 2623 of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 631, A bill to be entitled "An Act regulating the taking, catching and possessing of sand bass fish in the fresh waters of Denton County, Texas; providing that there shall be no closed season for the taking and catching of such fish; prescribing the bag limit and length limit thereof; regulating the kind of bait which may be used for the catching of such fish during certain months; prescribing penalties for any violation hereof; and defining the intent of this law, and declaring an emergency."

H. C. R. No. 51, Setting the time for the Honorable Nathan Straus to address the Legislature.

Respectfully submitted,  
E. R. LINDLEY, Chief Clerk,  
House of Representatives.

#### Senate Concurrent Resolution 13

Senator Spears offered the following resolution:

S. C. R. No. 13, Authorizing Edwin Marchwardt to sue the State.

The resolution was read and was referred to the Committee on State Affairs.



**House Concurrent Resolution 51**

The President laid before the Senate the following resolution received from the House today:

H. C. R. No. 51, Fixing the date for a joint session to hear an address by Hon. Nathan Straus.

The resolution was read; and on motion of Senator Brownlee and by unanimous consent, it was considered at this time and was adopted.

**House Bills on First Reading**

The following bills, received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 556, to Committee on Insurance.

H. B. No. 557, to Committee on Insurance.

H. B. No. 631, to Committee on Game and Fish.

**Message from the House**

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to House Bill No. 30 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House: Messrs. Petsch, Bell, King, Mohrmann and Cockrell.

Respectfully,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

**Reports of Standing Committees**

Senator Van Zandt, by unanimous consent, submitted at this time the following reports of the Committee on Civil Jurisprudence:

Austin, Texas,  
February 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to which was referred

S. B. No. 201,

Have had same under consideration and beg leave to report back to the Senate that it do pass and be printed.

REDDITT, Vice Chairman.

Austin, Texas,  
February 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to which was referred

S. B. No. 181,

Have had same under consideration and beg leave to report back to the Senate that it do pass and be printed.

REDDITT, Vice Chairman.

Austin, Texas,  
February 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to which was referred

S. B. No. 153,

Have had same under consideration and beg leave to report back to the Senate that it do not pass.

REDDITT, Vice Chairman.

Austin, Texas,  
February 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to which was referred

S. B. No. 206,

Have had same under consideration and beg leave to report back to the Senate that it do pass as amended and be printed.

REDDITT, Vice Chairman.

Austin, Texas,  
February 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to which was referred

S. B. No. 221,

Have had same under consideration and beg leave to report back to the Senate that it do pass as amended and be printed.

REDDITT, Vice Chairman.

Senator Stone of Washington, by unanimous consent, submitted at this time the following report of the Committee on Public Health:

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Health; to whom was referred

S. B. No. 166, A bill to be entitled "An Act amending Section 9, Chapter 107, Acts of the Regular Session of the Forty-first Legislature, 1929, relating to licensing of pharmacists; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Respectfully,  
STONE of Washington,  
Chairman.

#### Invitation to Senate

Senator Stone of Washington presented the following invitation, which was read to the Senate:

The officers of The Descendants of the Signers of the Texas Declaration of Independence, The Buddy Wright Post No. 48, American Legion, The Brenham Chamber of Commerce and Mrs. Walter M. Burress, Sponsor of Annual Pilgrimage to Old Washington-on-the-Brazos, request the honour of your presence in celebration of the one hundred and third anniversary of the signing of the Texas Declaration of Independence and the unveiling of a monument commemorating the memory of George Campbell Childress, author and signer; lawyer, statesman and newspaper editor on Thursday, March the 2nd, 1939, at 10:00 o'clock in the morning, Old Washington-on-the-Brazos Park, Washington County, Texas.

Mr. T. B. Griffith, President of the Society.

Mr. J. V. Dietz, Post Commander.

Mr. E. F. Kruse, President.

Mrs. Walter M. Burress, Genealogist.

#### Senate Bill 164 on Second Reading

Senator Small moved that the rule, adopted pursuant to Section 5 of Article III of the Constitution, relative to the consideration of bills during the first 60 days of the Regular Ses-

sion of the Legislature be suspended and that S. B. No. 164 be considered by the Senate at this time.

The motion prevailed by the following vote:

#### Yeas—31

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Head     | Stone         |
| Hill     | of Galveston  |
| Isbell   | Stone         |
| Kelley   | of Washington |
| Lanning  | Sulak         |
| Lemens   | Van Zandt     |
| Martin   | Weinert       |
| Metcalf  | Winfield      |
| Moffett  |               |

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 164, A bill to be entitled "An Act creating the Texas Coronado Quarto Centennial Commission, prescribing the duties and responsibilities of such Commission, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 164 on Third Reading

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 164 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—31

|          |              |
|----------|--------------|
| Aikin    | Martin       |
| Beck     | Metcalf      |
| Brownlee | Moffett      |
| Burns    | Moore        |
| Collie   | Nelson       |
| Cotten   | Pace         |
| Graves   | Redditt      |
| Hardin   | Roberts      |
| Head     | Shivers      |
| Hill     | Small        |
| Isbell   | Spears       |
| Kelley   | Stone        |
| Lanning  | of Galveston |
| Lemens   |              |

Stone  
of Washington  
Sulak

Van Zandt  
Weinert  
Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

|          |               |
|----------|---------------|
| Beck     | Moore         |
| Brownlee | Nelson        |
| Burns    | Pace          |
| Collie   | Redditt       |
| Cotten   | Roberts       |
| Graves   | Shivers       |
| Hardin   | Small         |
| Head     | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |
| Metcalf  | Weinert       |
| Moffett  | Winfield      |

Nays—1

Aikin

Address by Hon. Caesar Hohn

(Senate Resolution 28)

Senator Stone of Washington, by unanimous consent, offered the following resolution:

Whereas there is now present in our City the Honorable Caesar Hohn, for many years a resident of Washington County, Texas, and who is recognized as an outstanding authority on soil conservation and general farming practices; therefore, be it

Resolved by the Senate of the State of Texas, That the Honorable Caesar Hohn be invited to address the Senate and be given the privilege of the floor.

STONE of Washington.  
MOFFETT.

The resolution was read, and by unanimous consent, it was considered at this time and was adopted.

Accordingly, the President appointed Senator Stone of Washington to escort Hon. Caesar Hohn to the President's stand.

Senator Stone of Washington performed the duty assigned him and presented Hon. Caesar Hohn, who addressed the Senate briefly.

#### Senate Concurrent Resolution 14

Senator Brownlee, by unanimous consent, offered at this time the following resolution:

S. C. R. No. 14, Authorizing Lee Limuel, et al. to sue the County of Bastrop.

The resolution was read and was referred to the Committee on State Affairs.

#### Senate Bill 203 on Second Reading

Senator Redditt moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 203 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—31

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Head     | Stone         |
| Hill     | of Galveston  |
| Isbell   | Stone         |
| Kelley   | of Washington |
| Lanning  | Sulak         |
| Lemens   | Van Zandt     |
| Martin   | Weinert       |
| Metcalf  | Winfield      |
| Moffett  |               |

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 203, A bill to be entitled "An Act to authorize the State Highway Department, in conjunction with the Bureau of Public Roads, to expend, from and after the effective date of this Act, to expend upon roads not a part of the system of State highways, funds appropriated by the Congress of the United States and allocated by the Secretary of Agriculture of the United States to the State Highway Department for expenditure on such roads; to permit such funds to be matched or supplemented from the State Highway Fund; expressly repealing all laws or parts of laws in conflict herewith to the extent of such

conflict, but said laws are not otherwise repealed; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 203 on Third Reading

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 203 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Head     | Stone         |
| Hill     | of Galveston  |
| Isbell   | Stone         |
| Kelley   | of Washington |
| Lanning  | Sulak         |
| Lemens   | Van Zandt     |
| Martin   | Weinert       |
| Metcalf  | Winfield      |
| Moffett  |               |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Head     | Stone         |
| Hill     | of Galveston  |
| Isbell   | Stone         |
| Kelley   | of Washington |
| Lanning  | Sulak         |
| Lemens   | Van Zandt     |
| Martin   | Weinert       |
| Metcalf  | Winfield      |
| Moffett  |               |

#### Senate Bill 215 on Second Reading

Senator Redditt moved that the rule relative to the consideration of

bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 215 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—30

|          |               |
|----------|---------------|
| Beck     | Moore         |
| Brownlee | Nelson        |
| Burns    | Pace          |
| Collie   | Redditt       |
| Cotten   | Roberts       |
| Graves   | Shivers       |
| Hardin   | Small         |
| Head     | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |
| Metcalf  | Weinert       |
| Moffett  | Winfield      |

Nays—1

Aikin

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 215, A bill to be entitled "An Act assenting to the provisions of the Act of Congress entitled 'An Act to provide that the United States shall aid the States in wildlife-restoration projects and for other purposes,' approved September 2, 1937, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 215 on Third Reading

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 215 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

|          |         |
|----------|---------|
| Beck     | Hill    |
| Brownlee | Isbell  |
| Burns    | Kelley  |
| Collie   | Lemens  |
| Cotten   | Martin  |
| Graves   | Metcalf |
| Hardin   | Moffett |
| Head     | Moore   |

|         |               |
|---------|---------------|
| Nelson  | Stone         |
| Pace    | of Galveston  |
| Redditt | Stone         |
| Roberts | of Washington |
| Shivers | Van Zandt     |
| Small   | Weinert       |
| Spears  | Winfield      |

Nays—3

|         |       |
|---------|-------|
| Aikin   | Sulak |
| Lanning |       |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

|          |               |
|----------|---------------|
| Beck     | Moore         |
| Brownlee | Nelson        |
| Burns    | Pace          |
| Collie   | Redditt       |
| Cotten   | Roberts       |
| Graves   | Shivers       |
| Hardin   | Small         |
| Head     | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lemens   | of Washington |
| Martin   | Van Zandt     |
| Metcalfe | Weinert       |
| Moffett  | Winfield      |

Nays—3

|         |       |
|---------|-------|
| Aikin   | Sulak |
| Lanning |       |

#### Bills and Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 349, "An Act creating and establishing Callahan County Road District Number 2 in Callahan County, Texas, under Article III, Section 52 of the Constitution of Texas, for the purpose of the construction, operation, and maintenance of macadamized, gravel, or paved roads or turnpike, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds vote of the property tax-paying voters voting as an election; prescribing the method of calling and conducting such election, and the method of is-

suing said bonds; directing the levy, assessment, and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the district; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the District hereby created is also included in another Road District having outstanding bonds shall not affect the District hereby created or its power hereby granted; determining that all of the lands in said District will be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other General or Special Laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof; and declaring an emergency."

H. B. No. 351, "An Act to permit the taking of fish in public waters and streams in Erath and Hood Counties with certain exceptions, and declaring an emergency."

H. B. No. 147, "An Act to declare it unlawful to take, hunt, trap, ensnare, kill or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn, or wild turkey in Palo Pinto County for a period of four (4) years from and after the passage of this Act; providing for the protection of crops and gardens being destroyed by deer; providing a penalty therefor, and declaring an emergency."

H. B. No. 311, "An Act making certain emergency appropriations for the General Land Office, and declaring an emergency."

H. C. R. No. 27, Relating to title of State to submerged coastal lands.

H. B. No. 252, "An Act to authorize all County Line Independent School Districts partly situated in three (3) or more counties, the supervision of said school being located in counties having a population of not less than 17,000 nor more than 17,500 as shown by the last preceding Federal Census; to pay present outstanding legal indebtedness of said County Line Independent School Districts, by refund-

ing warrants to bear interest of not more than six per cent (6%) per annum, and to be payable out of a portion of the local maintenance taxes, and declaring an emergency."

H. C. R. No. 46, Endorsing Joseph C. Hutcheson for membership in the Supreme Court.

H. C. R. No. 43, Authorizing certain correction in H. B. No. 351.

S. C. R. No. 11, Authorizing the House or Senate to adjourn from Wednesday, March 1, 1939, to Monday, March 6, 1939.

S. B. No. 178, "An Act providing that in all counties having a total population of not more than fifteen thousand, seven hundred and twenty-five (15,725) and not less than fifteen thousand, seven hundred and fifteen (15,715), according to the last preceding Federal Census, and at the same time in all counties having a scholastic population of not more than five thousand and fifteen (5,015) and not less than five thousand and thirteen (5,013) according to the scholastic census of 1938-1939, any elementary school district in a grouped high school district may by majority vote of its people create an independent school district; providing a method of election therefor; and declaring an emergency."

#### Conference Committee on House Bill 30

Senator Metcalfe called from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 30.

Senator Metcalfe moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Metcalfe, Weinert, Spears, Moffett and Brownlee.

#### Motion to Take Up Senate Bill No. 204

Senator Redditt moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature

be suspended and that S. B. No. 204 be considered by the Senate at this time.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

#### Yeas—22

|          |               |
|----------|---------------|
| Beck     | Pace          |
| Brownlee | Redditt       |
| Burns    | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Stone         |
| Head     | of Galveston  |
| Isbell   | Stone         |
| Lanning  | of Washington |
| Metcalfe | Sulak         |
| Moffett  | Weinert       |
| Moore    | Winfield      |

#### Nays—9

|        |           |
|--------|-----------|
| Aikin  | Martin    |
| Collie | Nelson    |
| Hill   | Spears    |
| Kelley | Van Zandt |
| Lemens |           |

#### Senate Bill 213 on Second Reading

Senator Shivers moved that the legislature rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 213 be considered by the Senate at this time.

The motion prevailed by the following vote:

#### Yeas—31

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Head     | Stone         |
| Hill     | of Galveston  |
| Isbell   | Stone         |
| Kelley   | of Washington |
| Lanning  | Sulak         |
| Lemens   | Van Zandt     |
| Martin   | Weinert       |
| Metcalfe | Winfield      |
| Moffett  |               |

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 213, A bill to be entitled "An Act providing that it shall be unlawful to take or kill a brown pelican; providing a suitable penalty and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 213 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 213 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—31

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Head     | Stone         |
| Hill     | of Galveston  |
| Isbell   | Stone         |
| Kelley   | of Washington |
| Lanning  | Sulak         |
| Lemens   | Van Zandt     |
| Martin   | Weinert       |
| Metcalf  | Winfield      |
| Moffett  |               |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—31

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Head     | Stone         |
| Hill     | of Galveston  |
| Isbell   | Stone         |
| Kelley   | of Washington |
| Lanning  | Sulak         |
| Lemens   | Van Zandt     |
| Martin   | Weinert       |
| Metcalf  | Winfield      |
| Moffett  |               |

#### House Bill on First Reading

The following bill received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 92, to Committee on State Affairs.

#### Reports of Standing Committees

Senator Moore, by unanimous consent, submitted at this time the following report of the Committee on Game and Fish:

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 631, A bill to be entitled "An Act regulating the taking, catching and possessing of sand bass fish in the fresh waters of Denton County, Texas; providing that there shall be no closed season for the taking and catching of such fish; prescribing the bag limit and length limit thereof; regulating the kind of bait which may be used for the catching of such fish during certain months; prescribing penalties for any violation hereof; and defining the intent of this law, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Senator Cotten, by unanimous consent, submitted at this time the following reports of the Committee on Insurance:

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 557, A bill to be entitled "An Act to amend Article 7064a, Revised Civil Statutes of Texas, 1925, as amended by Section 1-b, Chapter 258, House Bill No. 441, of the Acts of the Forty-fifth Legislature of Texas, 1937; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 556, A bill to be entitled "An Act to amend Article 7064, Revised Civil Statutes of Texas, 1925, as amended by Section 1 of Chapter 258, House Bill No. 441 of the Acts of the Forty-fifth Legislature of Texas, 1937; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

#### House Bill 631 on Second Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 631 be placed on its second reading and passage to third reading.

The motion prevailed by the following vote:

Yeas—31

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Head     | Stone         |
| Hill     | of Galveston  |
| Isbell   | Stone         |
| Kelley   | of Washington |
| Lanning  | Sulak         |
| Lemens   | Van Zandt     |
| Martin   | Weinert       |
| Metcalf  | Winfield      |
| Moffett  |               |

On motion of Senator Lanning and by unanimous consent, Senate rules 31a and 48 were suspended to permit consideration of H. B. No. 631 at this time.

The President laid the bill before the Senate, on its second reading and passage to third reading.

On motion of Senator Lanning and by unanimous consent, the bill was tabled subject to call.

#### House Bill 92 Re-referred

On motion of Senator Head, H. B. No. 92 was re-referred from the Committee on State Affairs to the Committee on Education.

#### House Bill 556 on Second Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 556 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Head     | Stone         |
| Hill     | of Galveston  |
| Isbell   | Stone         |
| Kelley   | of Washington |
| Lanning  | Sulak         |
| Lemens   | Van Zandt     |
| Martin   | Weinert       |
| Metcalf  | Winfield      |
| Moffett  |               |

Senator Moore moved that the legislative rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that H. B. No. 556 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—31

|          |         |
|----------|---------|
| Aikin    | Hardin  |
| Beck     | Head    |
| Brownlee | Hill    |
| Burns    | Isbell  |
| Collie   | Kelley  |
| Cotten   | Lanning |
| Graves   | Lemens  |



|         |               |
|---------|---------------|
| Martin  | Spears        |
| Metcalf | Stone         |
| Moffett | of Galveston  |
| Moore   | Stone         |
| Nelson  | of Washington |
| Pace    | Sulak         |
| Redditt | Van Zandt     |
| Roberts | Weinert       |
| Shivers | Winfield      |
| Small   |               |

On motion of Senator Moore and by unanimous consent, Senate rules 31a and 48 were suspended to permit consideration of the bill at this time.

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 556 on Third Reading

The President then laid H. B. No. 556 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

|         |              |
|---------|--------------|
| Aikin   | Moffett      |
| Beck    | Moore        |
| Burns   | Nelson       |
| Collie  | Pace         |
| Cotten  | Redditt      |
| Graves  | Roberts      |
| Hardin  | Shivers      |
| Head    | Small        |
| Hill    | Spears       |
| Isbell  | Stone        |
| Kelley  | of Galveston |
| Lanning | Van Zandt    |
| Lemens  | Weinert      |
| Martin  | Winfield     |
| Metcalf |              |

Nays—2

|          |       |
|----------|-------|
| Brownlee | Sulak |
|----------|-------|

Absent

Stone  
of Washington

#### House Bill 557 on Second Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 557 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

|          |              |
|----------|--------------|
| Aikin    | Moffett      |
| Beck     | Moore        |
| Brownlee | Nelson       |
| Burns    | Pace         |
| Collie   | Redditt      |
| Cotten   | Roberts      |
| Graves   | Shivers      |
| Hardin   | Small        |
| Head     | Spears       |
| Hill     | Stone        |
| Isbell   | of Galveston |
| Kelley   | Sulak        |
| Lanning  | Van Zandt    |
| Lemens   | Weinert      |
| Martin   | Winfield     |
| Metcalf  |              |

Absent

Stone  
of Washington

Senator Moore moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that H. B. No. 557 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—30

|          |              |
|----------|--------------|
| Aikin    | Moffett      |
| Beck     | Moore        |
| Brownlee | Nelson       |
| Burns    | Pace         |
| Collie   | Redditt      |
| Cotten   | Roberts      |
| Graves   | Shivers      |
| Hardin   | Small        |
| Head     | Spears       |
| Hill     | Stone        |
| Isbell   | of Galveston |
| Kelley   | Sulak        |
| Lanning  | Van Zandt    |
| Lemens   | Weinert      |
| Martin   | Winfield     |
| Metcalf  |              |

Absent

Stone  
of Washington

On motion of Senator Moore and by unanimous consent, Senate rules 31a and 48 were suspended to permit consideration of the bill at this time.

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 557 on Third Reading**

The President then laid H. B. No. 557 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

|          |              |
|----------|--------------|
| Aikin    | Moffett      |
| Beck     | Moore        |
| Brownlee | Nelson       |
| Burns    | Pace         |
| Collie   | Redditt      |
| Cotten   | Roberts      |
| Graves   | Shivers      |
| Hardin   | Small        |
| Head     | Spears       |
| Hill     | Stone        |
| Isbell   | of Galveston |
| Kelley   | Sulak        |
| Lanning  | Van Zandt    |
| Lemens   | Weinert      |
| Martin   | Winfield     |
| Metcalf  |              |

Absent

Stone  
of Washington

**Senate Bill 73 on Second Reading**

Senator Lemens moved that the legislative rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 73 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—31

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Head     | Stone         |
| Hill     | of Galveston  |
| Isbell   | Stone         |
| Kelley   | of Washington |
| Lanning  | Sulak         |
| Lemens   | Van Zandt     |
| Martin   | Weinert       |
| Metcalf  | Winfield      |
| Moffett  |               |

The President laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 73, A bill to be entitled "An Act to amend the laws relating to local mutual aid associations by amending Chapter 274, Acts of the Regular Session of the Forty-first Legislature, Section 11, in order to better regulate groups or classes of members and their assessments and benefits; repealing Section 13 of said Act; amending Section 17 of said Act with regard to funds and revenues; amending Section 26 of said Act, as amended by Chapter 201, Acts of Regular Session of the Forty-second Legislature, as to dissolution and forfeitures; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time.

On motion of Senator Lemens, the bill was tabled subject to call.

**Senate Bill 27 on Second Reading**

Senator Nelson moved that the rule relative to the consideration of bills during the first 60 days of the Regular session of the Legislature be suspended and that S. B. No. 27 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—31

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Head     | Stone         |
| Hill     | of Galveston  |
| Isbell   | Stone         |
| Kelley   | of Washington |
| Lanning  | Sulak         |
| Lemens   | Van Zandt     |
| Martin   | Weinert       |
| Metcalf  | Winfield      |
| Moffett  |               |

The President laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 27, A bill to be entitled "An Act amending Chapter 245, Acts of the Regular Session of the Forty-third Legislature, to provide additional regulation of state-wide Mutual Assessment Insurance Companies; requiring the filing of rate schedules; requiring a deposit of cash or secu-

rities and providing how such deposit is to be used; etc., and declaring an emergency."

The bill was read second time.

On motion of Senator Nelson, the bill was tabled subject to call.

#### Senate Bill 137 on Second Reading

Senator Spears moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 137 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—29

|          |               |
|----------|---------------|
| Aikin    | Metcalf       |
| Beck     | Moffett       |
| Brownlee | Nelson        |
| Burns    | Pace          |
| Collie   | Redditt       |
| Cotten   | Roberts       |
| Graves   | Shivers       |
| Hardin   | Small         |
| Head     | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |

Nays—2

Weinert Winfield

Absent

Moore

The President laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 137, A bill to be entitled "An Act to amend Article 1149 of the Penal Code of this State, relating to Assault with Motor Vehicle, by providing that if any driver or operator of a motor vehicle or motorcycle shall wilfully or with negligence collide with or cause injury less than death to any other person he shall be guilty of aggravated assault; prescribing punishment upon conviction of such offense; providing that in the event such injuries result in death the driver or operator of such motor vehicle or motorcycle shall be dealt with under the general law of homicide; providing that all laws and

parts of laws in conflict herewith are expressly repealed; and declaring an emergency."

The bill was read second time.

On motion of Senator Spears, the bill was tabled subject to call.

#### Senate Bill on First Reading

By unanimous consent, the following bill was introduced, read first time, and referred to the committee indicated:

By Senator Lemens:

S. B. No. 265, A bill to be entitled "An Act to amend Section 4 of S. B. No. 165, Chapter 165, regulating foreign and domestic corporations, enacted at the Regular Session of the Forty-second Legislature, Acts of 1931, as amended (Acts 1937) of the Forty-fifth Legislature in S. B. No. 235 with respect to the publication of a statement by the corporation affected thereby; requiring and regulating the making and publication annually of a statement of the condition of such corporation with respect to its assets and liabilities; providing that such report, when filed, shall not be open to the public; exempting certain corporations from such requirement of publication; fixing a fee for filing such statements with the Banking Commissioners; repealing all laws and parts of laws in conflict therewith; and declaring an emergency."

Referred to Committee on Banks and Banking.

#### Report of Standing Committee

Senator Graves, by unanimous consent, submitted at this time the following report of the Committee on Internal Improvements:

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Internal improvements, to whom was referred

S. B. No. 169, A bill to be entitled "An Act creating the office of County Purchasing Agent in all counties in this State having a population of more than 140,000 inhabitants and less than 290,000 inhabitants, etc.; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

GRAVES, Chairman.

**Adjournment**

Senator Redditt moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:05 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

**APPENDIX**

**Reports of Committee on Engrossed and Enrolled Bills**

Austin, Texas,  
February 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 95 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 170 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 20 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 6 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 188 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 185 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 178 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

**In Memory of**  
**Hon. R. L. Davidson**

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Senator Kelley offered the following resolution:

(Senate Resolution No. 29)

Whereas, On Sunday, February 26, 1939, the Supreme Architect of the Universe has, in His infinite wisdom, called from this earth Mr. R. L. Davidson of Greenville, Texas; and

Whereas, R. L. Davidson was the father of the Honorable Lloyd W. Davidson, distinguished State's Attorney of Texas, and

Whereas, R. L. Davidson has served a long and useful life and his passing is a distinct loss to his community, as well as an irreparable loss to his family; now, therefore, be it

Resolved by the Senate of Texas, That we extend our deepest sympathy in this hour of bereavement to Lloyd W Davidson and to the other surviving members of the family, and be it further

Resolved, That a copy of this resolution be printed in the Journal and a copy be mailed to each member of the family of R. L. Davidson, and that when the Senate adjourns today that it do so in honor of his memory.

**KELLEY.**

Signed: Aikin, Beck, Brownlee, Burns, Collie, Cotten, Graves, Hardin, Head, Hill, Isbell, Kelley, Lanning, Lemens, Martin, Metcalfe, Moffett, Moore, Nelson, Pace, Redditt, Roberts, Shivers, Small, Spears, Stone of Galveston, Stone of Washington, Sulak, Van Zandt, Weinert, Winfield; Stevenson, Lieutenant Governor.

The resolution was read.

On motion of Senator Hill, the names of all Senators and the Lieutenant Governor were added to the resolution as signers thereof.

The resolution was adopted unanimously.